

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11cv102**

**THALIA D. COOPER,**

**Plaintiff,**

**v.**

**LISA JOHNSON, TRANSYVANIA  
COUNTY, DOTTI D. HARRIS,**

**Defendants.**

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**ORDER**

Pending before the Court is Plaintiff's Motion for Leave to File Supplemental Complaint and Joinder of Claims [# 6]. Plaintiff, who is proceeding *pro se*, filed her Complaint on May 2, 2011. The time for Defendants to answer or otherwise respond to the Complaint has yet to expire, and they have not appeared in this action. Plaintiff now moves the Court for leave to file a supplemental complaint.

Pursuant to Rule 15(a), a plaintiff may amend his or her complaint without leave of Court under certain circumstances. The rule provides that:

**(1) Amending as a Matter of Course.** A party may amend its pleading once

as a matter of course within:

**(A)** 21 days after serving it, or

**(B)** if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Fed. R. Civ. P. 15(a)(1). Defendants have not yet filed their responsive pleadings.

Accordingly, Plaintiff's window for filing an amended complaint as a matter of course has yet to expire, and no leave of Court is needed for Plaintiff to amend her Complaint. Because no affirmative relief is need from the Court, the Court **DENIES without prejudice** Plaintiff's motion [# 6].

Signed: May 18, 2011

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Dennis L. Howell  
United States Magistrate Judge

